

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WSG 87

Date Signed: April 4, 1995

MEMORANDUM

SUBJECT: All Plastic Systems - Compliance with the Lead and Copper Rule

FROM: Robert J. Blanco, Director  
Drinking Water Implementation Division (4604)

TO: O. Thomas Love, Chief  
Water Supply Branch (6W-S), Region 6

You raise an important issue concerning small system compliance with the Lead and Copper Rule. During the initial round of monitoring many so called "all plastic systems" in mobile home parks were identified throughout Region 6. These systems are free of brass faucets, lead service lines, lead solder pipe joints and other sources of lead contamination within the system itself. You request relief, from a common sense and public health standpoint, from initial monitoring requirements so long as the State and/or water supplier can demonstrate that source waters are not subject to lead contamination.

In the promulgation process for this rule, the Agency considered waiving monitoring requirements for "all plastic" systems. At that time, brass faucets that could leach lead were ubiquitous and consequently, truly lead-free systems (including household plumbing components) would have been rare. Since we felt it would be necessary for States to have some proof that the system was lead-free (which would have meant inspections on the part of the system or State, with the accompanying administrative burdens), we felt that it was probably easier and cheaper for small systems to collect the required 5 tap samples as a better way to demonstrate they were free of any lead problems.

The current situation reduces any concern that may have existed then. A large part of the faucet industry has switched to low lead or lead-free faucets. This trend will continue as the industry strives to meet the recently established NSF standard for lead leaching from faucets. We believe that the existence of so-called "all plastic" systems can now be more reliably established.

When the Lead and Copper Regulation was written for this treatment technique, we attempted to balance health protection, flexibility and ease of implementation against many diverse interests promoting their individual proposals and the inherent complexities in regulating a by-product of household plumbing corrosion. We were well aware that we could not anticipate every conceivable situation arising and expected that some degree of judgment and discretion would

have to be exercised by the regulatory agent. For this reason, the regulation purposely remained silent on the “all plastic system” issue.

From the description you share in your draft memo, I conclude that the Region 6 States are doing much of the lead and copper monitoring for small systems, and the State laboratory workload (not just for lead and copper) is ballooning to unmanageable levels as a result of backlogged samples. This situation is becoming fairly commonplace across the country and is one of several reasons why commercial laboratory services are attractive to other States. Given the priority of these “all plastic systems” in the context of the full State drinking water program and available resources to carry out primary enforcement responsibilities, monitoring for lead in these systems appears quite low from a practical standpoint.

With the circumstance you describe (i.e., no obvious source of contamination within these systems) and a commitment from the State to eliminate source waters as a means of lead contamination, I see no value to investing limited resources on a situation that appears to be non-existent. Such resources should be redirected to areas of the program where the potential of higher public health risk exists.

As you assist your States in implementing the Lead and Copper Rule, they should be aware of the need to formally establish the basis in each case where the decision not to require initial monitoring was made. We plan to follow up to include this issue in our plans to revise and clarify the LCR. A proposed rule should reach the Federal Register later this year.

Because other Regions and States may share similar problems and concerns, I am taking the liberty of providing them with a copy directly.

cc. Ground Water/Drinking Water Branch Chiefs, Regions 1-5, 7-10  
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